

\*\*E-filed 8/31/06\*\*

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 HEWLETT-PACKARD COMPANY  
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## UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

13 CARL K. RICH, on Behalf of Himself and All  
 14 Others Similarly Situated, as Well as on Behalf  
 15 of the General Public and Acting in the Public  
 Interest,

Plaintiff,

v.

18 HEWLETT-PACKARD COMPANY, a  
 19 California Corporation; and DOES 1 through  
 20 250, inclusive,

Defendants.

CASE NO. C 06 03361-JF (HRL)

**JOINT STIPULATION AND [PROPOSED]  
 ORDER CONTINUING INITIAL CASE  
 MANAGEMENT CONFERENCE;  
 SUPPORTING DECLARATIONS OF  
 ALFREDO TORRIJOS AND  
 CHRISTOPHER CHORBA**

[N.D. Cal. Local Rule 6-1(b) &amp; 6-2]

[PROPOSED]

HEARING DATE: ~~Sept. 29, 2006~~ 10/20/06HEARING TIME: ~~10:30 a.m.~~ 9:00

**JOINT STIPULATION**

WHEREAS Plaintiff Carl Rich ("Plaintiff") commenced this action by filing a Complaint on May 22, 2006, and serving the Complaint on Defendant Hewlett-Packard Company ("Defendant") on May 31, 2006;

WHEREAS by Joint Stipulation dated June 15, 2006, and filed pursuant to Local Rule 6-1(a), the parties agreed to extend until August 21, 2006, the time for Defendant to move to dismiss the Complaint (the "Motion");

WHEREAS Defendant intends to notice the Motion for hearing on September 29, 2006 at 9:00 a.m.;

WHEREAS during their Rule 26 conference of counsel on August 11, 2006, the parties agreed to continue the Initial Case Management Conference to <sup>October 20, 2006 at 9:00</sup> ~~September 29, 2006 at 10:30 a.m.~~ or as soon thereafter as the matter may be heard; and

WHEREAS the parties also agreed to the continuance of the deadline for initial disclosures pursuant to Rule 26(f) of the Federal Rules of Civil Procedure to September 8, 2006;

WHEREAS good cause exists for approving this Joint Stipulation, because, as explained in the accompanying declarations of Alfredo Torrijos and Christopher Chorba, continuing these deadlines would provide the parties the necessary time to comply with the initial disclosure requirements of Rule 26(f) of the Federal Rules of Civil Procedure, consolidate the hearings in this matter, and further judicial economy.

ACCORDINGLY, pursuant to Local Rule 6-1(b), the parties, by and through their counsel of record, hereby stipulate to, and request the Court's approval of the following:

1. The Initial Case Management Conference shall be moved from September 1, October 20, 2006 at 9:00 AM 2006, to ~~September 29, 2006 at 10:30 a.m.~~ (or such other date when the Court is available).
2. In addition, the other deadlines set in the Court's Order dated May 22, 2006, shall be modified as follows:
  - a. Last day to complete initial disclosures: **September 8, 2006.**


- b. Last day to file case management statement, proposed case management order and Rule 26(f) report: **September 15, 2006**, October 20, 2006 at 9:00
- c. Initial Case Management Conference: **September 29, 2006 at 10:30 a.m.** (or such other date and time when the Court is available).

3. All other deadlines remain as scheduled by the Court and/or pursuant to the Federal Rules of Civil Procedure and/or the Court's Local Rules.

**IT IS SO STIPULATED.**

DATED: August 17, 2006

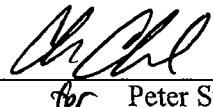
KABATECK BROWN KELLNER LLP  
BRIAN S. KABATECK  
RICHARD L. KELLNER  
ALFREDO TORRIJOS

By:   
Richard L. Kellner

Attorneys for Plaintiff CARL K. RICH

DATED: August 17, 2006


GIBSON, DUNN & CRUTCHER LLP  
PETER SULLIVAN  
SAMUEL G. LIVERSIDGE  
CHRISTOPHER CHORBA

By:   
for Peter Sullivan

Attorneys for Defendant HEWLETT-PACKARD COMPANY

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: 8/31/06, 2006

  
The Hon. Jeremy Fogel  
United States District Judge

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**DECLARATION OF ALFREDO TORRIJOS**

I, Alfredo Torrijos, declare as follows:

1. I am an attorney admitted to practice law before all courts of the State of California. I am an associate in the law firm of Kabateck Brown Kellner LLP, and I am one of the attorneys responsible for the representation of Plaintiff Carl K. Rich ("Plaintiff") in the action entitled *Carl Rich v. Hewlett-Packard Company, et al.* (N.D. Cal. Case No. C 06-03361-JF). Pursuant to Local Rule 6-2(a), I submit this declaration in support of the parties' Joint Stipulation and [Proposed] Order Continuing Initial Case Management Conference (the "Joint Stipulation"). Unless otherwise stated, the following facts are within my personal knowledge and, if called and sworn as a witness, I could and would testify competently thereto.

2. Plaintiff served his Complaint on HP on May 31, 2006. During the weeks of June 5 and 12, 2006, I participated in several telephone conversations with Christopher Chorba, one of the attorneys representing HP, about an extension of time for HP to answer, move, or otherwise respond to the Complaint. Pursuant to a separately-filed joint stipulation dated June 15, 2006, the parties agreed to extend the deadline for HP to answer, move, or otherwise respond to the Complaint to August 21, 2006.

3. The Reasons for the Requested Enlargement or Shortening of Time (Local Rule 6-2(a)(1)). Plaintiff alleges a nationwide class action against HP. (Compl. ¶ 15.) Mr. Chorba has explained that given the scope of the allegations and the anticipated complexity of this proceeding, HP required more than the standard twenty days to investigate and evaluate Plaintiff's allegations and prepare a response to the Complaint. Mr. Chorba subsequently informed me that HP will be filing a motion to dismiss the Complaint. I have recently learned from Mr. Chorba that HP's motion will have a hearing date of September 29, 2006. Given that the parties will already have to appear before the Court on September 29, 2006 for the hearing on HP's motion and given that the Initial Case Management Conference will likely be more productive if it is conducted after HP's motion has been fully briefed, I believe that efficiency would be best served by continuing the Initial Case Management Conference. Accordingly, the parties request that the Initial Case Management Conference be continued approximately four weeks (to September 29, 2006).

4. Prior Time Modifications in this Case (Local Rule 6-2(a)(2)). Aside from a separately-filed joint stipulation to extend the time for HP to answer, move, or otherwise respond to the Complaint (which stipulation did not require Court approval pursuant to Local Rule 6-1(a)), the parties have not requested any other extensions or time modifications in this action.

5. Effect of the Requested Time Modification on the Schedule for the Case (Local Rule 6-2(a)(3)). The requested extensions in the Joint Stipulation would move the Initial Case Management Conference from September 1, 2006, to September 29, 2006. As a result, this would also alter the following deadlines:

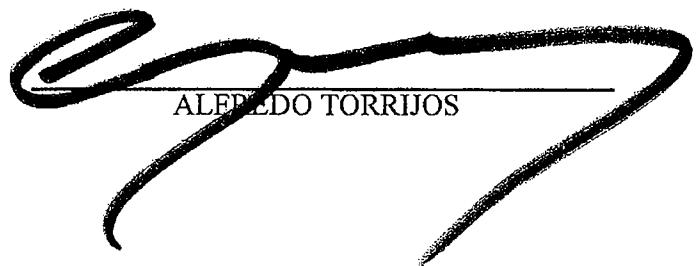
(a) Last day to complete initial disclosure or state objection in Rule 26(f) Report: from August 25 to **September 8, 2006**; and

(b) Last day to file Case Management Statement, proposed case management order, and file Rule 26(f) Report: from August 25 to **September 15, 2006**.

6. At this early stage of the proceeding, it is premature to predict whether the continuance requested by the parties would have any impact on additional pretrial deadlines.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I executed this Declaration at Los Angeles, California.

DATED: August 17, 2006



ALFREDO TORRIJOS

**DECLARATION OF CHRISTOPHER CHORBA**

I, Christopher Chorba, declare as follows:

1. I am an attorney admitted to practice law before all courts of the State of California. I am an associate in the law firm of Gibson, Dunn & Crutcher LLP, and I am one of the attorneys responsible for the representation of Defendant Hewlett-Packard Company ("HP") in the action entitled *Carl Rich v. Hewlett-Packard Company, et al.* (N.D. Cal. Case No. C 06-03361-JF). Pursuant to Local Rule 6-2(a), I submit this declaration in support of the parties' Joint Stipulation and [Proposed] Order: (1) Setting Briefing Schedule for Motion to Dismiss Complaint; and (2) Continuing Initial Case Management Conference (the "Joint Stipulation"). Unless otherwise stated, the following facts are within my personal knowledge and, if called and sworn as a witness, I could and would testify competently thereto.

2. HP was served with Plaintiff's Complaint in the above-referenced action on May 31, 2006. During the weeks of June 5 and 12, 2006, I participated in several telephone conversations with Alfredo Torrijos, one of the attorneys representing Plaintiff, about an extension of time for HP to answer, move, or otherwise respond to the Complaint. Pursuant to a separately-filed joint stipulation dated June 15, 2006, the parties agreed to extend the deadline for HP to answer, move, or otherwise respond to the Complaint to August 21, 2006.

3. The Reasons for the Requested Enlargement or Shortening of Time (Local Rule 6-2(a)(1)). Plaintiff alleges a nationwide class action against HP. (Compl. ¶ 15.) HP intends to file a Motion to Dismiss the Complaint on August 21. Although I offered to provide an extension of time to Mr. Torrijos for Plaintiff to prepare his opposition to HP's Motion, Mr. Torrijos explained that it was Plaintiff's preference to have the Motion heard on regular notice. As a result, HP intends to notice its Motion for a hearing on September 29 (the first possible date under the Court's Rules). Given that the parties will already have to appear before the Court on September 29 for the hearing on HP's motion and given that the Initial Case Management Conference will likely be more productive if it is conducted after HP's motion has been fully briefed, I believe that efficiency would be best served by continuing the Initial Case Management Conference. Accordingly, the parties request that the Initial Case Management Conference be continued approximately four weeks (to

September 29, 2006). In addition, given the scope of Plaintiff's allegations and the anticipated complexity of this proceeding, HP requires additional time to prepare its Rule 26 initial disclosures. Plaintiff's counsel has agreed to a two-week extension of this deadline (from the currently-scheduled August 25, 2006, to September 8, 2006).

4. Prior Time Modifications in this Case (Local Rule 6-2(a)(2)). Aside from a separately-filed joint stipulation to extend the time for HP to answer, move, or otherwise respond to the Complaint (which stipulation did not require Court approval pursuant to Local Rule 6-1(a)), the parties have not requested any other extensions or time modifications in this action.

5. Effect of the Requested Time Modification on the Schedule for the Case (Local Rule 6-2(a)(3)). The requested extensions in the Joint Stipulation would move the Initial Case Management Conference from September 1, 2006, to September 29, 2006. As a result, this would also alter the following deadlines:

(a) Last day to complete initial disclosure or state objection in Rule 26(f) Report from August 25 to **September 8, 2006**;

(b) Last day to file Case Management Statement, proposed case management order, and file Rule 26(f) Report: from August 25 to **September 15, 2006**.

6. At this early stage of the proceeding, it is premature to predict whether the continuance requested by the parties would have any impact on additional pretrial deadlines.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I executed this Declaration at Los Angeles, California.

DATED: August 17, 2006



CHRISTOPHER CHORBA

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CERTIFICATE OF SERVICE

I, Christopher Chorba, hereby certified that on August 17, 2006, I caused the foregoing  
**JOINT STIPULATION AND [PROPOSED] ORDER CONTINUING INITIAL CASE  
MANAGEMENT CONFERENCE; SUPPORTING DECLARATIONS OF ALFREDO  
TORRIJOS AND CHRISTOPHER CHORBA** to be electronically filed and served upon the  
persons named below via the ECF system. This document is available for reviewing and  
downloading from the ECF system.

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By: /s/ Christopher Chorba  
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